

(A) is serving on active duty or is entitled to pay and allowances under section 204(g) of this title (or would be so entitled were it not for offsetting earned income described in that section);

(B) is seriously ill, seriously injured, or in a situation of imminent death, whether or not electrical brain activity still exists or brain death is declared; and

(C) is hospitalized in a medical facility in or outside the United States.

(b)(1) In this section, the term “family member”, with respect to a member, means—

(A) the member’s spouse;

(B) children of the member (including stepchildren, adopted children, and illegitimate children);

(C) parents of the member or persons in loco parentis to the member, as provided in paragraph (2); and

(D) siblings of the member.

(2) Parents of a member or persons in loco parentis to a member include fathers and mothers through adoption and persons who stood in loco parentis to the member for a period not less than one year immediately before the member entered the uniformed service. However, only one father and one mother or their counterparts in loco parentis may be recognized in any one case.

(3) In this section, the term “health and welfare”, with respect to a member, includes a situation in which a decision must be made by family members regarding the termination of artificial life support being provided to the member.

(c) The transportation authorized by subsection (a) is round-trip transportation between the home of the family member and the location of the medical facility in which the member is hospitalized.

(d)(1) The transportation authorized by subsection (a) may be provided by any of the following means:

(A) Transportation in-kind.

(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

(C) Reimbursement for the commercial cost of transportation.

(2) An allowance payable under this subsection may be paid in advance.

(3) Reimbursement payable under this subsection may not exceed the cost of government-procured commercial round-trip air travel.

(Added Pub. L. 100-180, div. A, title VI, § 615(a)(1), Dec. 4, 1987, 101 Stat. 1095; amended Pub. L. 100-456, div. A, title VI, § 632(a), Sept. 29, 1988, 102 Stat. 1985; Pub. L. 103-337, div. A, title VI, § 624, Oct. 5, 1994, 108 Stat. 2785.)

#### AMENDMENTS

1994—Subsec. (a)(1). Pub. L. 103-337, § 624(a)(1), substituted “may contribute to” for “is necessary for”.

Subsec. (a)(2)(B). Pub. L. 103-337, § 624(a)(2), added subpar. (B) and struck out former subpar. (B) which read as follows: “is seriously ill or seriously injured; and”.

Subsec. (b)(3). Pub. L. 103-337, § 624(b), added par. (3).

1988—Subsec. (a)(2). Pub. L. 100-456 amended par. (2) generally, inserting “or is entitled to pay and allow-

ances under section 204(g) of this title (or would be so entitled were it not for offsetting earned income described in that section)” in subpar. (A).

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-456 effective Oct. 1, 1988, see section 632(c) of Pub. L. 100-456, set out as a note under section 411f of this title.

#### EFFECTIVE DATE

Section 615(b) of Pub. L. 100-180 provided that: “The authority to provide transportation or to pay transportation expenses under section 411h of title 37, United States Code, as added by subsection (a), shall be effective only with respect to travel that occurs on or after the effective date of regulations prescribed under such section.”

### § 412. Appropriations for travel: may not be used for attendance at certain meetings

Appropriations of the Department of Defense that are available for travel may not, without the approval of the Secretary concerned or his designee, be used for expenses incident to attendance of a member of an armed force under that department at a meeting of a technical, scientific, professional, or similar organization.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 476.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
412 .....	5:174a.	Aug. 1, 1953, ch. 305, § 605, 67 Stat. 349.

The words “may not . . . be used” are substituted for the words “shall not be available”. The words “on and after August 1, 1953” are omitted as executed. The words “Secretary concerned” are substituted for the words “Secretary of the department concerned” to conform to other sections of this revised title and to the definition in section 101(5) of this revised title. So much of the source statute as relates to civilian employees is omitted as superseded by the Act of July 7, 1958, Pub. L. 85-507, 72 Stat. 327.

#### PRIOR PROVISIONS

Act Aug. 1, 1953, cited as the source of this section in the Historical and Revision Notes above, is known as the Department of Defense Appropriation Act, 1954. Similar provisions were contained in the following prior appropriation acts:

July 10, 1952, ch. 630, title VI, § 606, 66 Stat. 531.

Oct. 18, 1951, ch. 512, title VI, § 606, 65 Stat. 445.

Sept. 6, 1950, ch. 896, ch. X, title VI, § 607, 64 Stat. 752.

Oct. 29, 1949, ch. 787, title VI, § 607, 63 Stat. 1018.

June 24, 1948, ch. 632, 62 Stat. 652.

July 30, 1947, ch. 357, title I, 61 Stat. 554.

July 16, 1946, ch. 583, 60 Stat. 545.

July 3, 1945, ch. 265, 59 Stat. 388.

June 28, 1944, ch. 303, 58 Stat. 577.

### § 413. Chairman and Vice Chairman of the Joint Chiefs of Staff

The Chairman and Vice Chairman of the Joint Chiefs of Staff are entitled to the allowances provided by law for the Chief of Staff of the Army.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 476; Pub. L. 100-180, div. A, title XIII, § 1314(c)(1), Dec. 4, 1987, 101 Stat. 1176.)